

Introduced by Senator DeSaulnier

February 21, 2013

An act to add Chapter 1.5 (commencing with Section 13985) to Part 4.5 of Division 2 of Title 2 of the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 486, as introduced, DeSaulnier. Office of Legal Compliance and Ethics.

Existing law establishes the Transportation Agency (agency) in state government with various duties and responsibilities.

This bill would create the Office of Legal Compliance and Ethics (office) within the agency with responsibility for, among other things, acting to prevent and detect serious breaches of Department of Transportation (department) policy, and fraud, waste, and abuse, including any acts of criminal conduct within the department. The bill would require the director of the office to report quarterly, at a noticed public hearing of the commission, regarding performance of and activities related to investigations and to report annually to the Governor and the Legislature with a summary of his or her investigations. The bill would require the summary to be posted on the agency's Internet Web site.

The bill would require the director to provide information and evidence relating to criminal acts to the State Auditor's office and appropriate law enforcement officials and to refer matters for further civil, criminal, and administrative action to appropriate administrative and prosecutorial agencies, including the Attorney General.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.5 (commencing with Section 13985) is added to Part 4.5 of Division 2 of Title 2 of the Government Code, to read:

CHAPTER 1.5. OFFICE OF LEGAL COMPLIANCE AND ETHICS

13985. (a) There is within the Transportation Agency an Office of Legal Compliance and Ethics.

(b) As used in this chapter, the following terms shall have the following meanings:

(1) "Agency" means the Transportation Agency.

(2) "Commission" means the California Transportation Commission.

(3) "Department" means the Department of Transportation.

(4) "Director" means the Director of the Office of Legal Compliance and Ethics.

(5) "Office" means the Office of Legal Compliance and Ethics.

(6) "Secretary" means the Secretary of the Transportation Agency.

13985.1. (a) For purposes of administration, the secretary shall organize the office with the approval of the Governor and the commission.

(b) The Governor shall appoint the director for a six-year term, subject to advice and consent of the Senate. The director may not be removed from office during that term, except for good cause. The director shall report directly to the commission.

(c) The agency shall be responsible for developing a proposed budget for the office in consultation with the department, the commission, and the office. Funding for the office shall come from savings related to the reduction of staff in the division of Audits and Investigations within the department due to the division's transferred workload to the office.

13985.2. The office shall be responsible for all of the following as they relate to the department:

(a) Acting to prevent and detect serious breaches of departmental policy, fraud, waste, and abuse, including any acts of criminal conduct within the department.

1 (b) Independently and objectively reviewing and investigating
2 conduct described by subdivision (a), including, but not limited
3 to, all of the following:

4 (1) Criminal activity in the department or committed on
5 department property.

6 (2) Allegations of wrongdoing by department employees.

7 (3) Serious breaches of department policy.

8 (4) Significant issues relevant to the effectiveness of the
9 department.

10 (c) Ensuring that members of the commission and department
11 employees receive appropriate ethics training.

12 (d) Performing other duties assigned to the office by the
13 commission.

14 13985.3. (a) The director shall report quarterly, at a noticed
15 public hearing of the commission, regarding performance of and
16 activities related to investigations.

17 (b) The director shall report annually to the Governor and the
18 Legislature with a summary of his or her investigations. The
19 summary shall be posted on the agency's Internet Web site and
20 shall otherwise be made available to the public upon its release to
21 the Governor and Legislature. The summary shall include, but
22 need not be limited to, significant problems discovered by the
23 office and whether recommendations of the office relative to
24 investigations have been implemented by the department. The
25 report shall be submitted pursuant to Section 9795 and is not
26 subject to the provisions of Section 10231.5.

27 13985.4. (a) The director shall provide information and
28 evidence relating to criminal acts to the state auditor's office and
29 appropriate law enforcement officials.

30 (b) The director shall refer matters for further civil, criminal,
31 and administrative action to appropriate administrative and
32 prosecutorial agencies, including the Attorney General.